

UNITED STATES COURT OF FEDERAL CLAIMS

OASIS INTERNATIONAL WATERS, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 10-707C
)	(Judge Horn)
THE UNITED STATES OF AMERICA,)	
)	
Defendant.)	
)	

PLAINTIFF'S LIST OF WITNESSES TO BE CALLED AT TRIAL

Plaintiff, Oasis International Waters, Inc. ("Oasis"), pursuant to the Court's May 3, 2013 Order, hereby submits its list of witnesses (including potential rebuttal witnesses) it will or may call at trial.¹

For ease of reference, Oasis has included the required information in table form at Exhibit A hereto. Oasis reserves the right to supplement and modify this list if new witnesses are

¹ Oasis notes that the instant trial witness list was originally due on May 28, 2013, but that the time to submit the same was shortened by 18 days in the May 3, 2013 Order. Oasis respectfully objects to the new deadline for the filing of this document, given that the May 3 Order also directs the parties to file: (1) statements of issues of fact and law (originally due May 28, 2013), and plaintiff (only) to submit (2) its rebuttal experts' reports (originally due May 15, 2013, which revised/shortened deadline allowed Oasis' experts only approximately two weeks to review Defendant's experts' reports and create their own rebuttal reports), (3) notice of additional discovery sought due to recent, late Defendant document productions, with justification, and (4) per the May 8, 2013 Order, an opposition to Defendant's motion to compel (including five (5) affidavits the Court specifically directed be included). Oasis notes that, the day before this filing, it defended the deposition of Phil Morrell in Salt Lake City, Utah, and the day of this filing it took the deposition of a key witness upon which Defendant's counterclaims of fraud, false certification, and/or false claim are based in Washington, D.C.

identified during the ongoing depositions and/or as part of Defendant's ongoing document productions.²

Respectfully submitted,

May 10, 2013

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² Oasis notes that the above-mentioned depositions are in addition to four (4) others that are scheduled to be taken before the end of May per prior Court directives. Additionally, Defendant continues to produce new, highly relevant documents from (a) then-Lt. Col. Renee Richardson (produced during the first day of her deposition, May 23, 2013, as well as one string of emails produced this morning, May 10, 2013) which documents appear to involve her husband, someone never before known to be involved in any email chains, or otherwise in this case, and (b) Dean Carsello (produced on May 7, 2013). The first witness, Col. Richardson, was listed in Oasis's first request for production of documents, dated June 10, 2011 (Request No. 32), and the second witness, Mr. Carsello, while not specifically listed, clearly falls within at least the following document requests: Requests No. 15, 36 and 38 (of Plaintiff's First Set) and Requests No. 2, 4, 10, 12, 13 (of Plaintiff's Second Set). Due to the ongoing discovery, for which Oasis is grateful, Oasis respectfully reserves the right to supplement this witness list based on any new witnesses discovered as a result of the ongoing depositions and continued Defendant document productions.

CERTIFICATE OF FILING

I hereby certify that on the 10th day of May 2013, a copy of the foregoing "PLAINTIFF'S LIST OF WITNESSES TO BE CALLED AT TRIAL" was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/Laurence Schor

ATTACHMENT A TO PLAINTIFF'S LIST OF WITNESSES TO BE CALLED AT TRIAL

	Witnesses	Testimonial Topics	Time for <i>Direct Examination</i>	Will Call	May Call
1	Paul Morrell	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Government-caused Delays to Oasis' Performance and KBR Interferences, Economic Duress and Coercion, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	1 day	X	
2	Phil Morrell	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Government-caused Delays to Oasis' Performance and KBR Interferences, Economic Duress and Coercion, Certified Claim, Texas Meeting, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	1 day	X	
3	Paul Jeffries	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance,	4 hours	X	

			Government-caused Delays to Oasis' Performance and KBR Interferences, Economic Duress and Coercion, Certified Claim, Calculation of Damages, Texas Meeting, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim			
4	Dan Petsche		Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Government-caused Delays to Oasis' Performance and KBR Interferences, Economic Duress and Coercion, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	1 day	X	
5	Neil Vos		Invoicing and Payment, Contract Modifications, Contract Performance, Certified Claim, Calculation of Damages, and Various Issues Raised in Amended Answer and Counterclaim	2 hours	X	
6	Tom Newell		Mobilization and Construction of Bottled Water Plants under Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Other Contract Performance, and Government-caused Delays to Oasis' Performance and KBR Interferences	4 hours		X
7	Alan Morrell		Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-	4 hours		X

		05-C-0002, Contract Modifications P0001 through P00013, Contract Interpretation, Contract Performance, Government-caused Delays to Oasis' Performance and KBR Interferences, Economic Duress and Coercion, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim				
8	Barbara D'Amato	Contract W27P4A-05-C-0002, Role in Securing Project Financing for Oasis International Waters, Inc., Modification P00006, Economic Duress and Coercion, and Contract Interpretation	2 hours	X		
9	Marcus Overbay	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Funding, Contract Modifications P00001 through P00013, Funding for Modifications, Contract Interpretation, Contract Performance, Economic Duress and Coercion, Government-caused Delays to Oasis' Performance and KBR Interferences, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	4 hours	X		
10	Major (Retired) Mauricio Vazquez, USAF	Solicitation W27P4A-05-R-0002 and Proposals to Same, Evaluation of Offers to Same, Award of Contract W27P4A-05-C-0002, Contract Interpretation, Issues of Contract Administration, and All Allegations	1 day			X

		Raised in the Complaint and/or Amended Answer and Counterclaim	Time for Direct Examination	Will Call	May Call
	Rebuttal Witnesses	Testimonial Topics			
1	Major Patrick Sturgill, USA	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modification P00001, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	4 hours		X
2	Major (Retired) Mauricio Vazquez, USAF	Solicitation W27P4A-05-R-0002 and Proposals to Same, Evaluation of Offers to Same, Award of Contract W27P4A-05-C-0002, Contract Interpretation, Issues of Contract Administration, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	1 day		X
3	Marion Knapp	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modification P00001 and P00002, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Counterclaim	2 hours		X
4	Marc Lopez	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00003, Contract	2 hours		X

		Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Counterclaim				
5	Brandon Montler	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00006, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Counterclaim	4 hours			X
6	James Davis	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00007, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Counterclaim	4 hours			X
7	William Moxham	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00007, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Counterclaim	4 hours			X
8	Colonel (Retired) James Hay	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance,	4 hours			X

		Contract Funding, Certified Claim, and All Allegations Raised in the Counterclaim				
9	Colonel Renee Richardson, USAF	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Funding, Contract Modifications P00001 through P00013 (particularly P00011), Funding for Modifications, Exercise of First Option Period, Contract Interpretation, Contract Performance, Government-caused Delays to Oasis' Performance and KBR Interferences, Economic Duress and Coercion, Certified Claim, Texas Meeting, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	1 day			X
10	Jamie Rhone	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, Contracting Officer Final Decision on Oasis Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	4 hours			X
11	Kevin Hobbs	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance,	4 hours			X

		Contract Funding, Certified Claim, Contracting Officer Final Decision on Oasis Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim				
12	Dean Carsello	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, Contracting Officer Final Decision on Oasis Claim, Texas Meeting, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	1 day		X	
13	Benjamin Jenkins	Contract W27P4A-05-C-0002, Contract Modifications P00006 through P00013, Contract Interpretation, Contract Performance, Contract Funding,	2 hours		X	
14	LTC Craig Dedecker	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	4 hours		X	
15	Colonel Robert Boyles	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications	2 hours		X	

		P00001 through P00013, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim			
16	Colonel Robert D. Winecki	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	2 hours		X
17	Colonel Herman T. Palmer	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	2 hours		X
18	Gerald Brown (location or position unknown; believed to work for DOD or a military component of same)	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, Texas Meeting, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	2 hours		X

19	Bill King (a high-level civilian employee of the military)	Contract Issues, Funding for the Same, and/or Review of Oasis Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	4 hours		X
20	Major General (Retired) Darryl Scott, USAF	Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, Texas Meeting, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	4 hours		X
21	Major General (Retired) John M. Urias, USA	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modification P00001 and P00002, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	2 hours		X
22	Colonel Mary Cooper	Solicitation W27P4A-05-R-0002 and Proposals to Same, Contract W27P4A-05-C-0002, Contract Modifications P00001 through P00013, Contract Interpretation, Contract Performance, Contract Funding, Certified Claim, Communications with Col. Patricia Boggs, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	4 hours	X	

23	Colonel Patricia Boggs	Contract W27P4A-05-C-0002, Contract Funding, Contract Modifications P00001 through P00013 (particularly P00011), Funding for Modifications, Exercise of First Option Period, Contract Interpretation, Contract Performance, Government-caused Delays to Oasis' Performance and KBR Interferences, Economic Duress and Coercion, Communications with then-Lt. Col. Renee Richardson and/or Col. Mary Cooper, Certified Claim, Texas Meeting, and All Allegations Raised in the Complaint and/or Amended Answer and Counterclaim	1 day	X	
24	SMSgt Michael T. Lemke, then-Contingency Contracting Officer	Contract W27P4A-05-C-0002, Contract Modifications, Contract Interpretation, Contract Performance, Contract Funding	2 hours		X
	Charles Blakeslee (Col Renee Richardson's husband)	Additional emails of Col. Richardson produced to counsel for Plaintiff on the morning of May 10, 2013, and any topics included in, arising from, related to, or invoked by the contents of such emails, which have not been examined closely as of this filing.	2 hours		X
25	Plaintiff reserves the right to call any person listed on Defendant's Witness List.	Any and All			X

26	<p>Plaintiff reserves the rights to call any person whose identity is learned through Defendant's continuing document productions and other discovery disclosures, or through any pending or future depositions (including known individuals whose importance or relevance becomes known based on the continuing productions, disclosures and depositions).</p>	Any and All			X
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